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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,389	02/10/2004	Daniel Scott Venolia	4860P0539D4	3938

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EXAMINER

BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
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2628

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,389

Applicant(s)

VENOLIA, DANIEL SCOTT

Examiner

Jeffery A. Brier

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on 6/2/2006 has been entered.

The amendments to claims 26-40 and claims 64-81overcomes the 35 USC 101, 35 USC 102 and 35 USC 112 rejections set forth in the office action mailed on 2/27/2006.

Response to Arguments

2. Applicant's arguments filed 6/2/2006 have been fully considered but they are not persuasive. The arguments concerning claims 26-40 do not state where support is located for the language "wherein the adjusting the first parameter causes a parameter under control of another user interface element of the graphical user interface to be adjusted based on a value of the first parameter". The argument concerning claims 41-63 is not persuasive because the claimed term "control element" is broader in scope than user interface element and is broader in scope than the user interface element displayed to the user. Therefore, the claimed term "control element" is unclear and ambiguous.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 26-40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 26-40:

Applicants specification at page 19 lines 1-8 describes moving the mouse horizontally and vertically at the same time (diagonally) which will simultaneously adjust the scale and the position of the access to the data at the selected scale. The claims were amended to claim "wherein the adjusting the first parameter causes a parameter under control of another user interface element of the graphical user interface to be adjusted based on a value of the first parameter". The specification does not describe another interface element's parameter being adjusted by the first parameter.

5. Claims 26-40 and 64-81 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Remapping of the mouse from cursor control to parameter control is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Applicants specification describes a displayed graphical user interface where mouse X and Y movement controls cursor X and Y location and where after the mouse X and Y movements are remapped, the cursor is no longer controlled by mouse movements. When the cursor is decoupled

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from mouse movements then diagonal X and Y movement of the mouse will simultaneously adjust the scale and the position of the access to the data at the selected scale. Thus, the newly claimed limitations in claims 26-40 "first component", "second component", and "adjusting a first parameter ...of the graphical user interface according to the first component of the input" and the newly claimed limitations in claims 64-81 "performing simultaneously" and "adjusting continuously" now more clearly claim that a graphical user interface is interacted with by the user to control the resolution of the range and the position in the range. According to the specification at page 4 lines 2-9, page 5 lines 3-13, page 11 lines 6-23, page 12 lines 6-23, page 13 lines 1-11, page 14 lines 4-16 and 26-31, page 17 lines 14-25, and page 19 lines 1-8 and 20-26 this can only be performed after the mouse movement is remapped from cursor control to controlling the claimed parameters. This is essential because applicant did not describe how in a graphical user interface environment to simultaneously control two parameters controlled by the graphical user interface without remapping the mouse from cursor control to parameter control. See MPEP § 2172.01 and MPEP § 2164.08(c).

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 41-63 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 41-63:

Claims 41, 52, 56, 60, and 63 use the phrase "first control element of a graphical user interface" and "second control element of a graphical user interface". The original specification did not use the term "control element". Therefore, it is not clear what part of the graphical user interface is the "control element".

8. Claims 26-40 and 64-81 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. For the reasons given above under 35 USC 112 first paragraph these claims are incomplete because they fail to claim the above described essential subject matter. This subject matter is essential because applicant did not describe how in a graphical user interface environment to simultaneously control two parameters controlled by the graphical user interface without remapping the mouse from cursor control to parameter control.

9. A prior art rejection cannot be made because the metes and bounds of the claims are not definite and because the specification does not support the claims. Thus, an indication of allowability would be premature. In re Steele, 305 F.2d 859, 134 USPQ 292 (CCPA 1962) (it is improper to rely on speculative assumptions regarding the meaning of a claim and then base a rejection under 35 U.S.C. 103 on these assumptions).

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

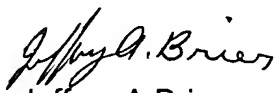
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:00 to 3:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeffery A Brier
Primary Examiner
Division 2628